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VIA ECF

The Honorable Paul A. Engelmayer
United States Courthouse
40 Foley Square
New York, NY 1007

Re: Edelstein vs 360 Sports Management, Inc. D/b/a 360 Sports Agency and D/b/a 360 Sports Management, Robert Licopoli and John Does #1-100,

Dear Judge Edelmeyer,

This letter is in response to Plaintiff's Letter titled: **OPPOSITION TO DEFENDANT ROBERT LICOPOLI'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT** which was filed on July 1, 2015.

Although Plaintiff's recent actions of Service contradict his denial in the letter, I accept the recent Process of Service that occurred on Friday, July 10th as proper.

With the acceptance of the recent Process of Service I am respectfully requesting permission to consolidate defenses by allowing counsel for 360 Sports Management, Inc. to represent my case as well.

Plaintiff acknowledges acceptance of consolidation in his comment which can be found in the first paragraph of Plaintiff's letter to the court dated July 14, 2015:

"For some reason, the other Defendant, Mr. Licopoli has not retained Mr. Luthmann even though Mr. Licopoli controls every aspect of 360 Sports Management, Inc. In any event, Mr. Licopoli continues to represent himself pro se in this matter."

Lastly, Plaintiff Attorney Eli Freedberg, Esq has engaged in bully tactics against me which is evident in his communication to the court and to the media. I believe his untrue statements have crossed lines; therefore, I am respectfully asking for a Cease and Desist against plaintiff from speaking to the media and online publications about the details of this case.

For example, Plaintiff concocted a one sided article in collaboration with a third party reporter that was posted on <http://law360.com>. The most damaging statement being:

"Edelstein worked for Licopoli and 360 Sports Management for about five months" and "he says he never got paid even though he had an employment contract with the company."

The Plaintiff is fully aware that there is no employment contract with Edelstein and that Edelstein was working under the contract of his real employer. There are more damaging statements including where he said I was threatening to retaliate against Edelstein, which is not true at all. Freedberg edited the full statement to give the illusion that there was a threat.

The full content of the article is below:

Sports Agency Wage Suit Was Properly Served, Plaintiff Says

Share us on: By **Maya Rajamani**

Law360, New York (July 2, 2015, 10:05 PM ET) -- The former vice president of business development at a Pennsylvania sports agency who sued the company and its CEO alleging unpaid wages asked a New York federal judge Wednesday to deny the CEO's motion to dismiss the case over a claim the lawsuit was improperly served.

360 Sports Management CEO Robert Licopoli claimed he was never personally served the summons after former VP Scott Edelstein filed his complaint against Licopoli and the company in March, but Edelstein said Licopoli's claim was not credible and only served to delay the case.

"There is simply no basis to question the credibility of [Edelstein's] process server, other than Licopoli's own self serving denial," Edelstein wrote in opposing Licopoli's motion to dismiss. "Licopoli has admitted that he was aware of the complaint filed against him and has acknowledged in correspondence with plaintiff's counsel that his tactic in this action will be to delay and stall the proceedings in [order to] postpone any judgment."

Edelstein worked for Licopoli and 360 Sports Management for about five months, between October 2014 and March of this year. During that time, he says he never got paid even though he had an employment contract with the company.

Licopoli claimed in his motion to dismiss that he never received the summons and complaint serving the lawsuit.

In Wednesday's filing, Edelstein said a process server served a copy of the summons, civil cover sheet and complaint to Licopoli at his Upper East Side apartment in New York City on May 11, nearly two months after he filed his complaint, and followed up by mailing copies of the documents to 360 Sports'

New York office.

Licopoli said the description the process server gave of the person who accepted the summons, a grey-haired man about 60 years old who was over 200 pounds and about 6 feet tall, does not resemble him, and that the server described asking the man he served if he was in the military, which Licopoli said never happened.

“I am age 46, and my height is 6’4”, weight 270 pounds ... I have salt and pepper brown hair,” he wrote in the motion to dismiss, describing himself as athletic. “Although I was aware the attorney for the plaintiff filed the summons with the courts, it was in March and I had no way of knowing when, or if, I would receive the summons since I felt it was a threat to get a settlement.”

He said the server might have issued the summons to a handyman in the building named Tony but said he could not confirm this.

Licopoli said he was shocked to receive an order to show cause in the 360 Sports virtual mailbox on May 27, informing him of the summons and complaint, and filed an extension to respond the same day.

He also said various family issues, including the death of his mother, had prevented him from responding to the complaint, and argued the lawsuit could not proceed until service of process had been properly made to him, as well as to the other defendants.

In Wednesday’s opposition, Edelstein was skeptical of the CEO’s claims.

“Licopoli admits that the description provided by the process server in the affidavit of service bears some resemblance to a person of suitable age and discretion who was often at Licopoli’s dwelling,” Edelstein said.

He said the CEO sent him a text message on March 27 after the plaintiff’s counsel sent him an email informing him that a complaint had been filed against him and 360 Sports, acknowledging that he had received a copy of the complaint and threatening to retaliate against Edelstein by “tarnishing his

reputation within the industry and ... interfering in a pending divorce proceeding.”

Edelstein said they moved the conversation to email until the plaintiff’s counsel told Licopoli they should only communicate through counsel, and that he should hire an attorney to defend 360 Sports, which Licopoli only did at the end of June.

After Edelstein consented to Licopoli’s request for an extension, Licopoli filed the motion to dismiss and responded to a plaintiff’s counsel email saying that the suit had taken away from him time he needed to search for an organ donor for his mother, and accused Edelstein of proceeding with the suit despite being offered a generous settlement.

“I don’t understand why you expect me to speed up the process of suing 360 and myself,” Licopoli wrote in an email to the plaintiff’s counsel, according to Edelstein.

Edelstein told the judge Wednesday the summons and complaint were properly served, that Licopoli was aware of the lawsuit, and the judge should deny Licopoli’s motion to dismiss.

Edelstein is represented by Eli Zev Freedberg of the Law Office of Eli Freedberg PC.

Counsel for 360 Sports Management and Robert Licopoli was not immediately available.

The case is Edelstein v. 360 Sports Management Inc. et al., case number [1:15-cv-02077](#), in the U.S. District Court for the Southern District of New York.

--Editing by Brian Baresch.

Thank you for any help on this matter.

Dated: July 15, 2015

Signature: 

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